

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 24, 2006

**SENATE BILL**

**No. 1542**

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**Introduced by Senator Migden**

(Principal coauthor: Assembly Member Ridley-Thomas)

**(Coauthor: Senator Kuehl)**

(Coauthor: Assembly Member Mountjoy)

February 23, 2006

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An act to add Section 9954 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1542, as amended, Migden. Vehicles: key information access.

(1) Existing law imposes various requirements upon manufacturers of motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of the laws regulating motor vehicles is a crime.

This bill would require a motor vehicle manufacturer of a *new* motor vehicle sold or leased in this state on or after January 1, 2008; ~~with a model year of 2008 or later~~, except as specified, to provide a means whereby the registered owner of that motor vehicle or a family member, through a registered locksmith, can access information, and only that information, that is necessary to permit the ~~reproduction~~ *production* of a *replacement* key or other functionally similar device, by a registered locksmith, that will allow the registered vehicle's owner or family member to enter, start, and operate the vehicle. *The bill would require a vehicle manufacturer to retain and make the*

*information available for at least 25 years from the date of manufacture. The bill would exempt a manufacturer that sold fewer than 2,500 vehicles in the prior calendar year in the state from this requirement.*

This bill would require the registered locksmith to follow certain identity and vehicle verification procedures before he or she could request the information from the manufacturer, to turn over certain information to the registered owner or family member, and to destroy all information accessed from the manufacturer after completing the reproduction of the key or other functionally similar device. A manufacturer would be required to make this information available by telephone or electronically 24 hours a day and 7 days a week *and to retain this information for at least 25 years from the date of manufacture.* A manufacturer would also be required to include a security process to verify the identity of the registered locksmith.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) There are over 28 million registered motor vehicles in
- 4 California, and those vehicles are an essential part of California
- 5 residents' work and mobility.
- 6 (b) A key or functionally similar device that will allow a
- 7 registered vehicle's owner to enter, start, and operate his or her
- 8 vehicle is a critical and necessary part of motor vehicle
- 9 ownership, without which a person cannot perform the basic
- 10 functions of gaining entry to a motor vehicle or starting its
- 11 engine.

1 (c) A registered owner of a motor vehicle has the right to  
2 access the information necessary to gain entry to and operate his  
3 or her motor vehicle in a timely, convenient, and reliable manner.

4 (d) It is the intent of the Legislature, in enacting this act, to  
5 give motorists better access to this necessary information, while  
6 at the same time protecting the security of that information and  
7 the vehicle. This act is intended to allow appropriate vehicle  
8 security while providing essential and necessary consumer  
9 access.

10 SEC. 2. Section 9954 is added to the Vehicle Code, to read:

11 9954. (a) This section applies only to *new* vehicles sold or  
12 leased in this state on or after January 1, 2008, ~~with a model year~~  
13 ~~of 2008 or later~~ *except as provided in subdivision (d) or (e).*

14 (b) A motor vehicle manufacturer of a motor vehicle sold or  
15 leased in this state shall provide the means whereby the  
16 registered owner of that motor vehicle, through a registered  
17 locksmith, can access the information, and only that information,  
18 that is necessary to permit the ~~reproduction of a~~ *production of a*  
19 *replacement* key or other functionally similar device by the  
20 registered locksmith that will allow the registered vehicle's  
21 owner to enter, start, and operate his or her vehicle. The means to  
22 access this information shall be available by telephone or  
23 electronically 24 hours a day and seven days a week, as follows:

24 (1) ~~For a motor vehicle with a model year of 2008 or later,~~  
25 ~~when~~ *When* a registered locksmith is requested by the motor  
26 vehicle's registered owner or the registered owner's family  
27 member, to ~~reproduce a~~ *produce a replacement* key or other  
28 functionally similar device that will allow the vehicle to be  
29 entered, started, and operated, and the information is needed  
30 from the vehicle manufacturer in order to produce the requested  
31 key or other functionally similar device, *in addition to the*  
32 *requirement in Section 466.6 of the Penal Code*, the registered  
33 locksmith shall visually verify the identity of the requesting party  
34 through that party's driver's license; shall visually verify that the  
35 registration of the vehicle matches the requesting party's identity  
36 and address (or last name and address if the requesting party is a  
37 family member of the registered owner); and shall visually verify  
38 that the vehicle identification number of the vehicle matches with  
39 the vehicle identification number on the registration. Upon  
40 satisfactory verification of all three requirements, the registered

1 locksmith shall ~~record that information in a record log~~ sign an  
2 affidavit that he or she has visually verified the information and  
3 file the affidavit along with, and for the same time as, the work  
4 order required by Section 466.6 of the Penal Code, and proceed  
5 to access the needed information from the vehicle manufacturer.

6 ~~(A)~~

7 (2) Upon completing the services, the registered locksmith  
8 shall give any key code information obtained from the vehicle  
9 manufacturer to the registered owner, or if applicable, the  
10 owner's family member, and shall destroy all information  
11 accessed from the vehicle manufacturer in his or her possession.

12 ~~(B)~~

13 (3) Except in cases of fraud or misappropriation, a registered  
14 locksmith that follows these procedures shall incur no liability  
15 for theft of the vehicle related to the locksmith's production of a  
16 replacement key or functionally similar device that will allow the  
17 vehicle to be entered, started, and operated.

18 ~~(2) (A) For a motor vehicle with a model year of 2008 or~~  
19 ~~later, when~~

20 (4) When a vehicle manufacturer receives a request from a  
21 registered locksmith for information to enable the locksmith to  
22 produce a replacement key or other functionally similar device  
23 that will allow the vehicle to be entered, started, and operated,  
24 and that request is made at the behest of the vehicle's registered  
25 owner or the registered owner's family member, the vehicle  
26 manufacturer shall require the registered locksmith to confirm  
27 the locksmith's registration with the manufacturer's registry;  
28 provide the security password issued by the manufacturer; and  
29 comply with any other reasonable authentication procedure. The  
30 manufacturer shall also require the registered locksmith to  
31 confirm the locksmith's visual identity and vehicle verifications,  
32 pursuant to paragraph (1). Upon satisfactory verification of these  
33 requirements, and upon presentation of the vehicle identification  
34 number and model number, the vehicle manufacturer shall  
35 provide to the registered locksmith, for the vehicle identified by  
36 the vehicle identification number and model number, the  
37 information necessary to enable ~~reproduction of a~~ production of  
38 a replacement key or other functionally similar device that  
39 allows the vehicle to be entered, started, and operated.

1 (5) A motor vehicle manufacturer subject to this section shall  
2 retain and make the information available in accordance with  
3 this section for at least 25 years from the date of manufacture.

4 ~~(B)~~

5 (6) A vehicle manufacturer that follows these procedures shall  
6 incur no liability for theft of the vehicle related to furnishing the  
7 information to a registered locksmith for the production of a  
8 replacement key or functionally similar device that will allow the  
9 vehicle to be entered, started, and operated.

10 ~~(d)~~

11 (c) For ~~the purposes~~ *purposes* of this section the following  
12 definitions apply:

13 (1) A “registered locksmith” means a locksmith licensed and  
14 bonded in California that has registered with a motor vehicle  
15 manufacturer, and has been issued a registry number and security  
16 password by the manufacturer.

17 (2) A registered owner, as defined in Section 505, also  
18 includes a lessee of the vehicle when the lessee’s name appears  
19 on the vehicle registration.

20 (3) “Information” includes, but is not limited to, the vehicle’s  
21 key code and, if applicable, immobilizer or access code, and its  
22 successor technology and terminology.

23 ~~(e)~~

24 (d) (1) This section does not apply to a vehicle line of a motor  
25 vehicle manufacturer that on January 1, 2006, does not provide  
26 for the ~~reproduction of a~~ *production of a replacement* key or  
27 other functionally similar device that allows the vehicle to be  
28 entered, started, and operated, by anyone other than the vehicle  
29 manufacturer itself and only itself, provided that the vehicle  
30 manufacturer operates a telephone or electronic request line 24  
31 hours a day and seven days a week, and upon a request of the  
32 registered owner or family member of the registered owner of the  
33 vehicle, a replacement key or other functionally similar device  
34 that will allow the vehicle to be entered, started, and operated, is  
35 furnished to the registered owner at a reasonable cost within one  
36 day of the request *or via the next overnight delivery*.

37 (2) If subsequent to January 1, 2008, a vehicle line of the  
38 manufacturer exempted by this subdivision provides for the  
39 ~~reproduction~~ *production of a replacement* by anyone, other than  
40 the vehicle manufacturer itself, of a key or other functionally

1 similar device that will allow the vehicle to be entered, started,  
2 and operated, this section shall apply to that vehicle line.

3 (3) This subdivision shall remain operative until January 1,  
4 2013, and as of that date shall become inoperative, unless a later  
5 enacted statute, that is enacted before January 1, 2013, deletes or  
6 extends that date.

7 *(e) This section shall not apply to a manufacturer that sold*  
8 *fewer than 2,500 vehicles in the prior calendar year in the state.*

9 *(f) The duties imposed on a manufacturer pursuant to this*  
10 *section may be performed either by the manufacturer or by an*  
11 *agent through a contract.*

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the  
17 penalty for a crime or infraction, within the meaning of Section  
18 17556 of the Government Code, or changes the definition of a  
19 crime within the meaning of Section 6 of Article XIII B of the  
20 California Constitution.